

LINCOLN CITY/LANCASTER COUNTY PLANNING DEPARTMENT
COMBINED STAFF REPORT

P.A.S.#: Windmill Ridge Estates
Special Permit #1868, Community Unit Plan
Preliminary Plat #00023
Change of Zone #3279 from AG to AGR

Date: May 15, 2001

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Lyle Loth, ESP, on behalf of Carl and Vicki Schmidt, has applied for a Change of Zone from AG to AGR, and a Special Permit and Preliminary Plat for a 23 lot Community Unit Plan, generally located at South 70th Street and Countryview Lane.

Requested waivers:

1. Section 26.27.020 Sidewalks
2. Section 26.27.090 Street trees
3. Section 26.27.070 Street lighting
4. Section 26.27.080 Landscape screens.
5. Section 26.23.130 Block length

GENERAL INFORMATION:

CONTACT: Lyle Loth, ESP
4910 Normal Blvd
Lincoln, NE 68506
(402) 484 - 5500

DEVELOPER: Carl R. Schmidt
7541 Boone Trail
Lincoln, NE 68516
(402) 483-6623

OWNER: Carl R. Schmidt and Vicki A. Schmidt
7541 Boone Trail
Lincoln, NE 68516
(402) 483-6623

LOCATION: S. 70th Street and Countryview Lane/Road - ½ mile north of Rokeby Road

LEGAL DESCRIPTION: Lot 26 I.T. in the Southwest Quarter of Section 27, Township 9 North, Range 7 East of the 6th P. M., Lancaster County, Nebraska.

EXISTING ZONING: AG Agriculture

SIZE: 69.66 acres, more or less

EXISTING LAND USE: Farming

SURROUNDING LAND USE AND ZONING: Agriculture, zoned AG to the north, south, and east. Countryside Addition, AGR zoned acreages, to the west.

COMPREHENSIVE PLAN SPECIFICATIONS: NOT IN CONFORMANCE. The 1994 Lincoln/ Lancaster County Comprehensive Plan shows this as Agricultural. The Southwest Lincoln/Highway 2 Subarea Plan calls for this area to be reviewed in the 2001 Plan.

HISTORY: Changed from AA Rural and Public Use to AG Agriculture zoning in the 1979 zoning update.

SPECIFIC INFORMATION:

DESCRIPTION OF PROPERTY: The property is farm land with an existing pond.

UTILITIES & SERVICES:

- A. **Sanitary Sewer:** A private community waste water system is proposed. A constructed wetland system is noted, subject to State and County approval.
- B. **Water:** Individual wells are proposed. The water report indicates that wells in the area can produce several hundred gallons per minute. Water quality concerns due to high Iron, Manganese, Sulfates and hardness have been raised.
- C. **Roads:** South 70th Street is a paved county road. Rokeby and Yankee Hill Roads are gravel county roads. Yankee Hill road to the north is in the County Engineers 1-6 road year program for paving.
- D. **Parks and Trails:** There are no Parks or trails in the area.
- E. **Public Service:** This area is served by the Southeast Rural Fire District, the station is located at 84th and Pine Lake, approximately 2 ½ miles northeast. This is in the Norris Public Power District.

F. **Schools:** This is in the Cheney School District #153.

ENVIRONMENTAL CONCERNS: There are no historic resources identified in this parcel. The 1860 Fort Kearney Cut off may have crossed this land. There is a wetland shown on Outlot 'A', which reflects the existing farm pond. There is no FEMA 100 year flood plain. The soil rating is 7.5 on a scale of 1 to 10 where 1 to 4 are prime agriculture land. This is not prime ag land.

REGIONAL ISSUES: City growth, the current development of the Comprehensive Plan and development of Beal Slough.

ALTERNATIVE USES: Agriculture and four dwelling units.

ANALYSIS:

1. This is a request for a Change of Zone from AG Agriculture to AGR Agriculture Residential District, a Preliminary Plat and a Community Unit Plan for 23 single family, acreage size, residential lots. The applicant is proposing a paved internal street system, individual wells, a community waste disposal system and seven outlots; one with an expanded pond, one for waste water treatment, two for farming, and three for drainage and open space.

2. The applicant is requesting a 20% bonus for preserving a pond, wetlands, drainage courses and trees on Outlots A, E, G and F. A conservation easement or similar deed restriction of record is required for protection for 99 years (27.65.020 h).

3. This is not conformance with the Lincoln and Lancaster County Land Use Plans. The area is shown as Agriculture on the Future Land Use Plan (figures 16 and 17) and as Urban Reserve in the Lincoln Service Limit and Phasing Plan (figure 65).

4. Where an application is not consistent with the Plan maps the review assessment includes a review of the statutory criteria of securing safety from dangers and promoting the general health, safety, and general welfare with consideration to the character of the area zoned, their peculiar suitability for uses and types of development, conserving property values, encouraging the most appropriate use of the land, in accordance with a comprehensive plan, and the following additional zoning criteria;

a. **Infrastructure: the availability of the water, sewer, drainage and the transportation systems.**

This is in the Lancaster County Rural Water District, individual wells are proposed. A community waste water treatment is proposed. This is in the Norris Public Power District. There is no other public infrastructure present. The ground water report indicates good

availability of water but issues of water quality. Proposed utilities should provide for future connection to the city.

b. Compatibility: harmony and suitability with the surrounding land uses and the natural environment.

The requested acreage zoning would be generally compatible with the existing acreages and zoning to the west across S. 70th Street. But would conflict with the agriculture uses on all other sides of this development. This would contribute to stripping of acreage development along 70th Street and limit future urbanization. This could impact future urban development.

c. Health and Safety: protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.

There are no known hazards in the area other than the normal farming operations.

d. Physiographic Features: the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation or wildlife habitat.

The topography and suitability of the land is acceptable for acreage development. There is natural habitat on the site including scattered trees, treed waterways and an existing dam and pond. The land is also suitable for continuation of the existing land use and may be suitable for expansion of Lincoln Urban services and development.

e. Accessibility: availability, or lack thereof, of public transportation, arterial connections and pedestrian linkages.

South 70th is paved. Yankee Hill and Rokeby Roads are gravel. There are no transit or pedestrian linkages. Access to Hwy #2 is two miles north. Lincoln is one and one half miles north.

f. Open Space: availability of sufficient open space and recreational areas to accommodate a project's residents and employees.

Open space and recreation areas are located in Lincoln (One and one-half miles north) and the future Jensen Park one mile east.

g. Fiscal Impacts: whether the proposed use does not create a burden to local tax revenues and/or available resources.

There are no apparent immediate major fiscal impacts. However, development as acreages would likely increase the future cost of urbanization in absorbing the low density development.

5. This area is in the upper reaches of Beal Slough, in Urban Planning Zone S-4, Directional Growth, Urban Planning Zones (figure 65a) which contains 1089.2 acres of land. This area is due for review of its long range status and potential use during the current Comprehensive Plan process.
6. The County Engineers' letter of May 3, 2001 includes requested changes.
7. Public Works is requesting additional information.
8. The applicant is requesting waiver of sidewalks, street trees, street lights, and landscape screens. The requests are reasonable as this reflects the rural nature of the area, has lots over one acre in size and will not be annexed at this time, and complies with all considerations of section 26.27. The request for waiver of block length would normally be appropriate for a rural subdivision retaining open space for rural and agricultural uses. However, since this area is in an area of anticipated discussion for future urban development, during the Comprehensive Plan development, the block length of 1320' should not be waived.
9. Health Department notes that the communal sewage system will require NDEQ approval. Potential purchasers of these lots must be advised of water quality, particularly Iron, Manganese, Sulfates and hardness and what steps to be taken to contend with these elements.
10. Lower Platte South NRD notes that the pond be contingent on Nebraska Department of Natural Resources approval. The storm water detention should not be waived.
11. This proposal had been deferred at the Planning Department at the request of the applicant in November and October 2000, in part due to the S. 84th and Hwy #2 Subarea Plan and due to a disagreement between the original applicant land owners.

CONCLUSION:

The application is not in conformance with the Comprehensive Plan.

The Highway 2 Sub Area plan calls this area out for review for potential expansion of the Future Service Limit.

The new Comprehensive Plan is scheduled to have a recommended plan document in January 2002, seven months from the date of this writing. Deferral will allow the Planning Process to complete the review and recommendation for future development of this area without a one year delay that a denial would impose.

This proposal is in a highly sensitive area of potential growth and impact on future growth options that will be reviewed during the development of the Comprehensive Plan. Any approval at this time will have the effect of predetermination for the area and limiting future options.

The current zoning is appropriate for this location, at this time.

STAFF RECOMMENDATION:

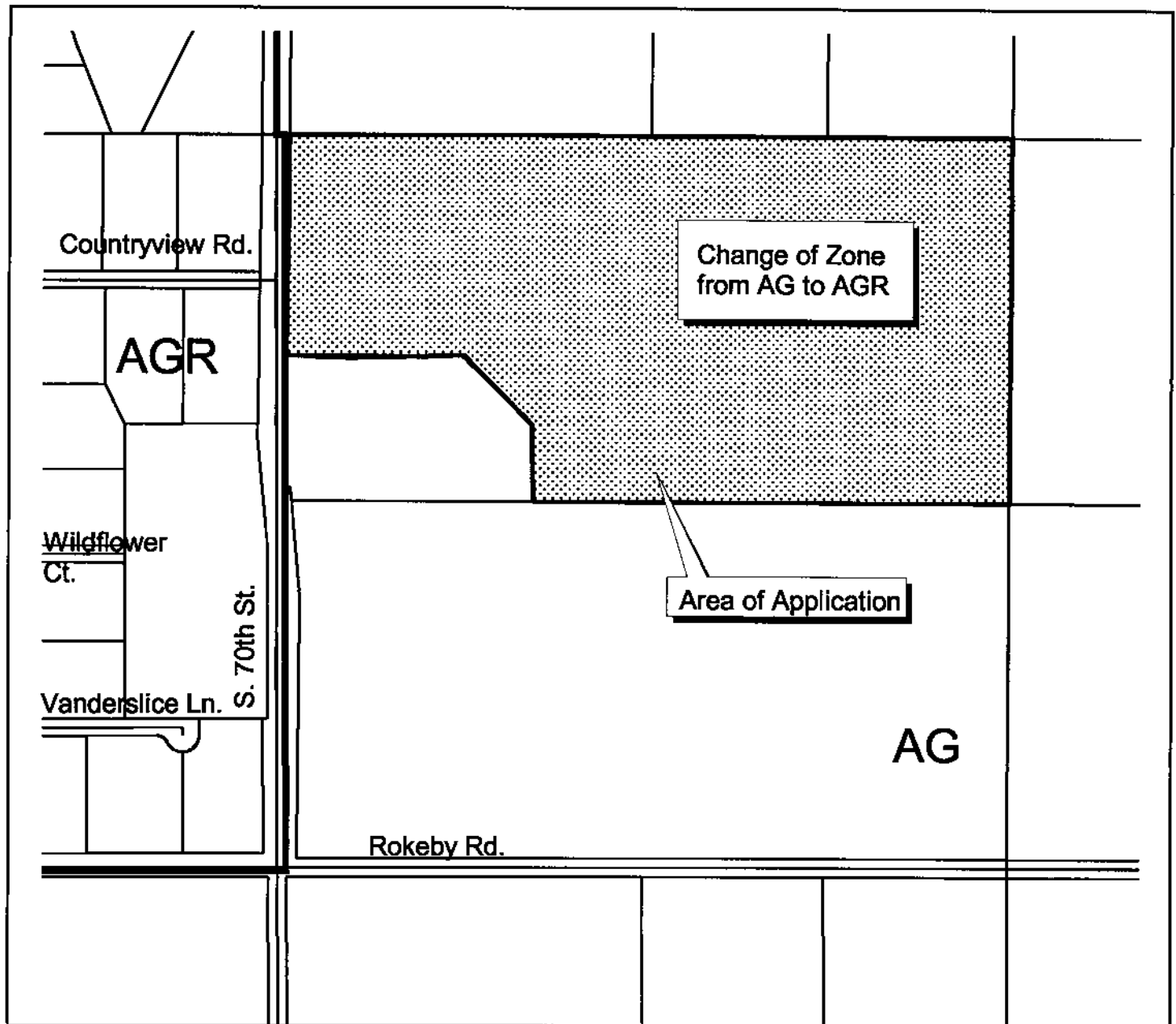
Change of Zone #3279 Deferral - Denial if action is requested

Special Permit #1868 Deferral - Denial if action is requested

Preliminary Plat #00023 Deferral - Denial if action is requested

Prepared by:

Michael DeKalb, AICP
Planner

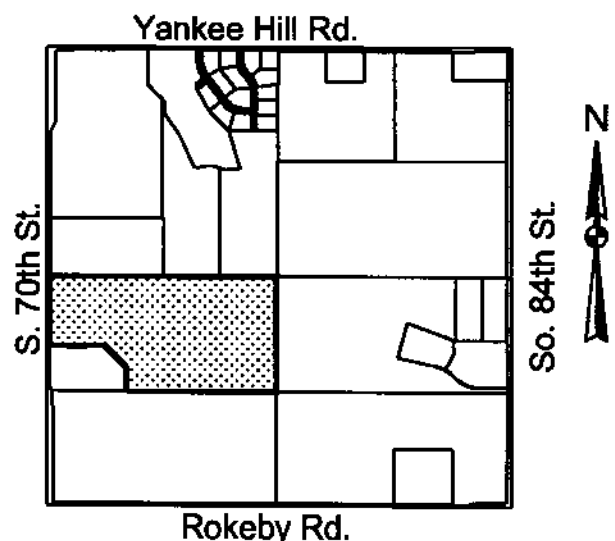
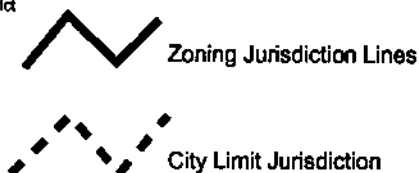


Preliminary Plat #00023
Special Permit #1868
Change of Zone #3279
Windmill Ridge Estates
S. 70th & Countryview

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 27 T9N R7E

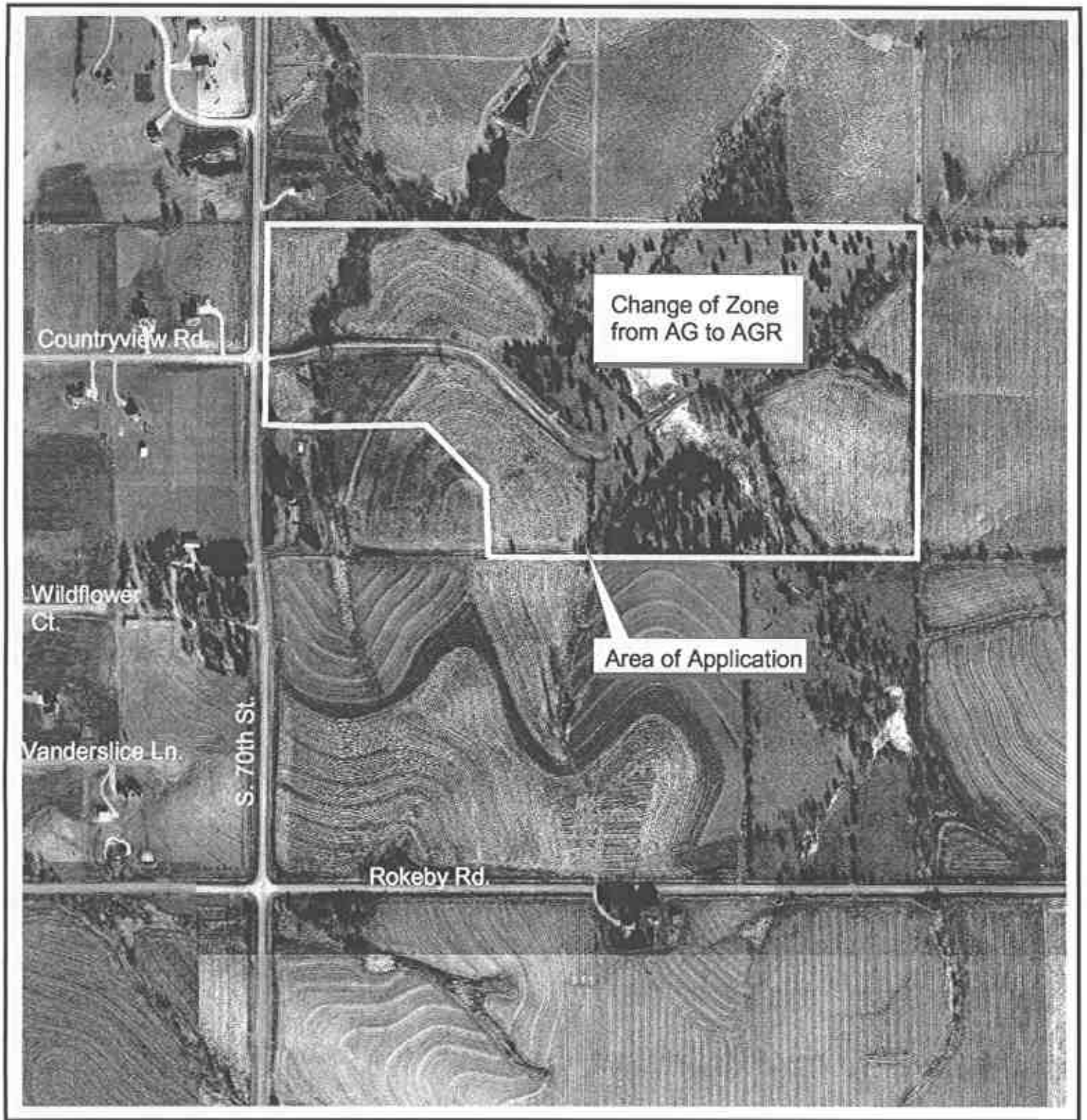


Rokeby Rd.

Sheet ____ of ____

Date:

Lincoln City - Lancaster County Planning Dept.



Preliminary Plat #00023
Special Permit #1868
Change of Zone #3279
Windmill Ridge Estates
S. 70th & Countryview



Sheet _____ of _____

Date: _____

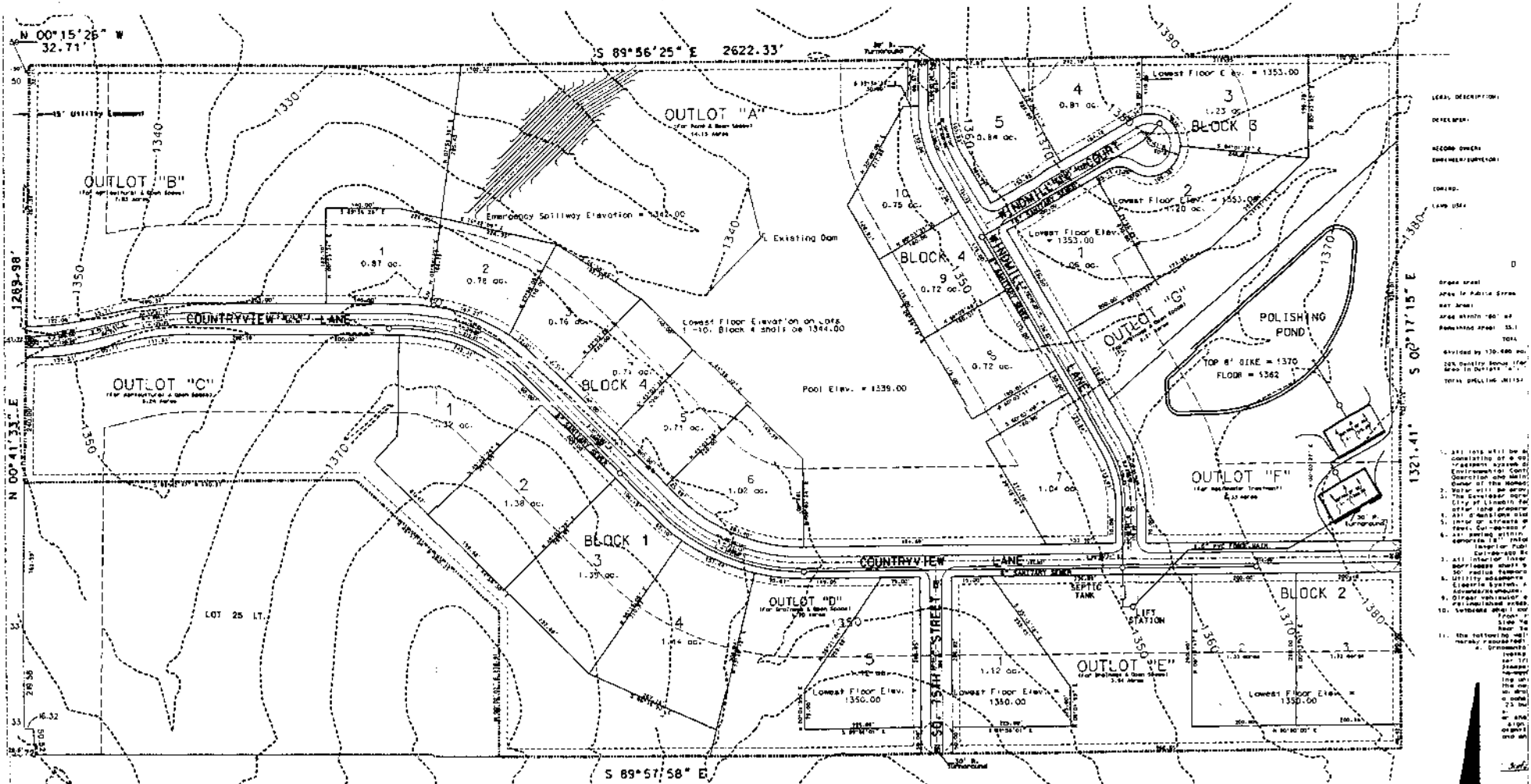
Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

WINDMILL RIDGE ESTATES

PRELIMINARY PLAT-COMMUNITY UNIT PLAN

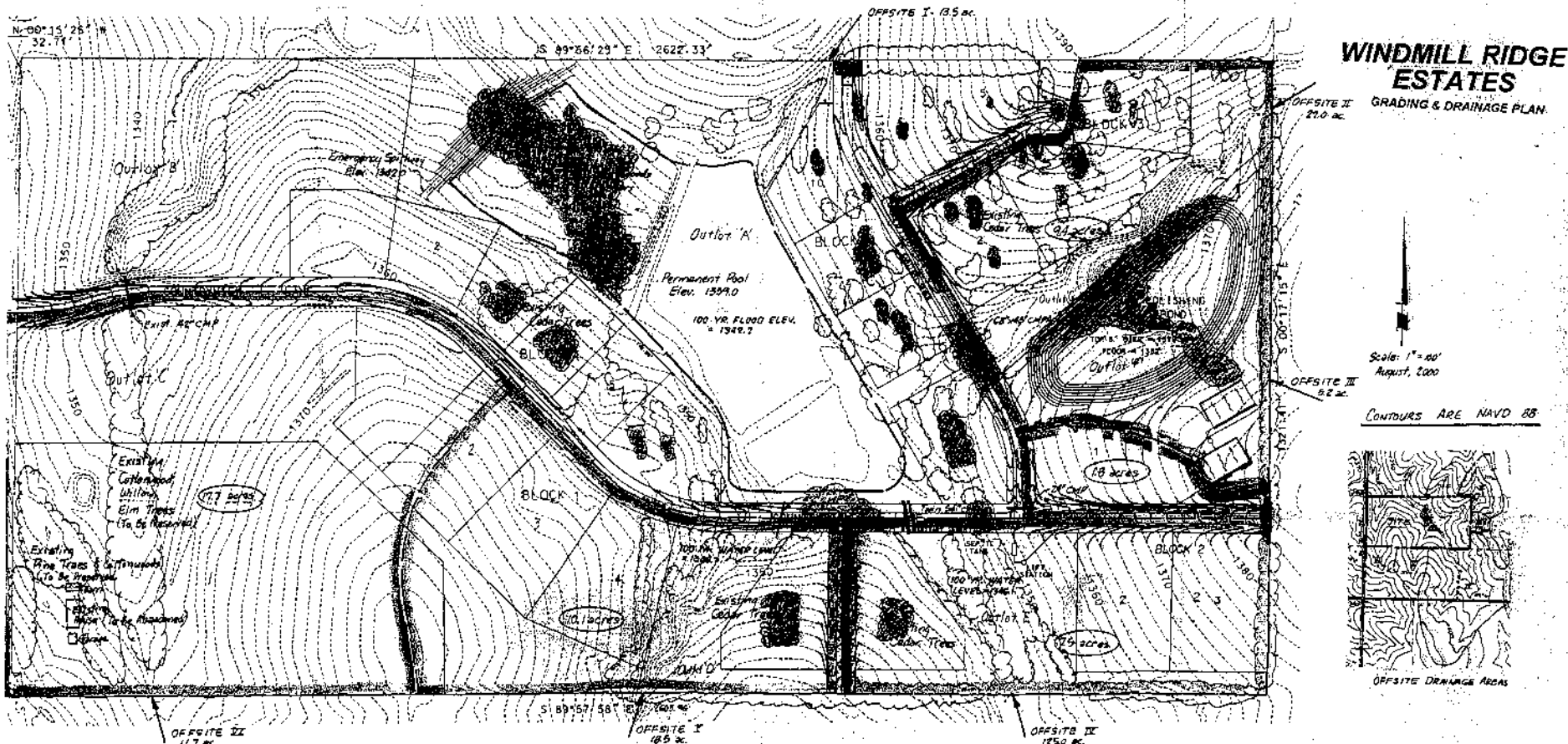
WINDMILL RIDGE
PRELIMINARY PLAT-COMM



Preliminary Plat #00023
Special Permit #1868
Change of Zone #3279
Windmill Ridge Estates
S. 70th & Countryview

- LEGAL DESCRIPTION:
 DECEASED:
 RECORD OWNERS:
 EXISTING SURVEY:
 COMING:
 LAND USE:
- 0
 Acres total
 Area in Public Storm
 Area within 100' of
 Boundary Area: 33.1
 TOTAL
 Divided by 120,000 sq.
 100% Quality Bonus (for
 Area in Outlots "A"
 TOTAL QUALITY BONUS
1. All lots will be at least 100' wide and 100' deep.
 2. The developer shall provide for the installation of a water supply system for the entire project.
 3. The developer shall provide for the installation of a sewer system for the entire project.
 4. The developer shall provide for the installation of a storm water management system for the entire project.
 5. The developer shall provide for the installation of a fire protection system for the entire project.
 6. The developer shall provide for the installation of a police and fire station for the entire project.
 7. The developer shall provide for the installation of a public utility system for the entire project.
 8. The developer shall provide for the installation of a public transportation system for the entire project.
 9. The developer shall provide for the installation of a public recreation system for the entire project.
 10. The developer shall provide for the installation of a public health system for the entire project.
 11. The developer shall provide for the installation of a public safety system for the entire project.





BY: EJP DATE: 8-2-00
PROJECT LOCATION: S. 70th & Countryview, Blk. 10, Lot 10
SHEET NO. 1 OF 10

CULVERT DESIGN BY: EJP DATE: 8-2-00
PROJECT LOCATION: S. 70th & Countryview, Blk. 10, Lot 10
SHEET NO. 1 OF 10

CULVERT DESIGN BY: EJP DATE: 8-2-00
PROJECT LOCATION: S. 70th & Countryview, Blk. 10, Lot 10
SHEET NO. 1 OF 10

CULVERT DESIGN BY: EJP DATE: 8-2-00
PROJECT LOCATION: S. 70th & Countryview, Blk. 10, Lot 10
SHEET NO. 1 OF 10

CULVERT DESIGN BY: EJP DATE: 8-2-00
PROJECT LOCATION: S. 70th & Countryview, Blk. 10, Lot 10
SHEET NO. 1 OF 10

Preliminary Plat #00023
Special Permit #1868
Change of Zone #3279
Windmill Ridge Estates
S. 70th & Countryview

NOTE: This Plan is to be used with BPR Hydraulic Engineering, Decisions No. 5 and No. 6.

CULVERT TYPE	SPACING	INLET CONTROL	OUTLET CONTROL	REMARKS
Box Culvert	12' x 12'	1.0	1.0	

NOTE: This Plan is to be used with BPR Hydraulic Engineering, Decisions No. 5 and No. 6.

CULVERT TYPE	SPACING	INLET CONTROL	OUTLET CONTROL	REMARKS
Box Culvert	12' x 12'	1.0	1.0	

NOTE: This Plan is to be used with BPR Hydraulic Engineering, Decisions No. 5 and No. 6.

CULVERT TYPE	SPACING	INLET CONTROL	OUTLET CONTROL	REMARKS
Box Culvert	12' x 12'	1.0	1.0	

NOTE: This Plan is to be used with BPR Hydraulic Engineering, Decisions No. 5 and No. 6.

CULVERT TYPE	SPACING	INLET CONTROL	OUTLET CONTROL	REMARKS
Box Culvert	12' x 12'	1.0	1.0	

LEGAL DESCRIPTION: Lots ~~25 &~~ 26, 1/4's and the N 1/2 SW 1/4
Section 27, T.9N., R7E. of the 6th P.M.,
Lancaster County, NE

DEVELOPER: Carl R. Schmidt
7541 Boone Trail
Lincoln, NE 68516
402-483-6623

RECORD OWNER: Carl R. Schmidt & Vicki A. Schmidt

ENGINEER/SURVEYOR: E-S-P
601 Old Cheney Road, Suite 'A'
Lincoln, NE 68512
402-421-2500

ZONING: ~~AG~~ AG (Request Change to AGR)
~~20.71 sq. ac.~~

LAND USE: 23 Single Family Lots
Outlots 'A', 'D', 'E' & 'G' Preserved for
Common Open Space, Pond, Wetlands &
Drainage. Outlot 'F' Preserved for
Community Wastewater System. Outlots 'B' &
'C' Preserved for Common Open Space &
Agriculture.

DENSITY CALCULATIONS

Gross Area:	69.66 acres
Area in Public Streets:	6.01 acres
Net Area:	63.65 acres
Area within 150' of Public Street	33.40 acres
Remaining Area: 33.67 ac. x 0.8 =	24.20 acres

TOTAL: 57.60 acres = 2,509,060 sq. ft.

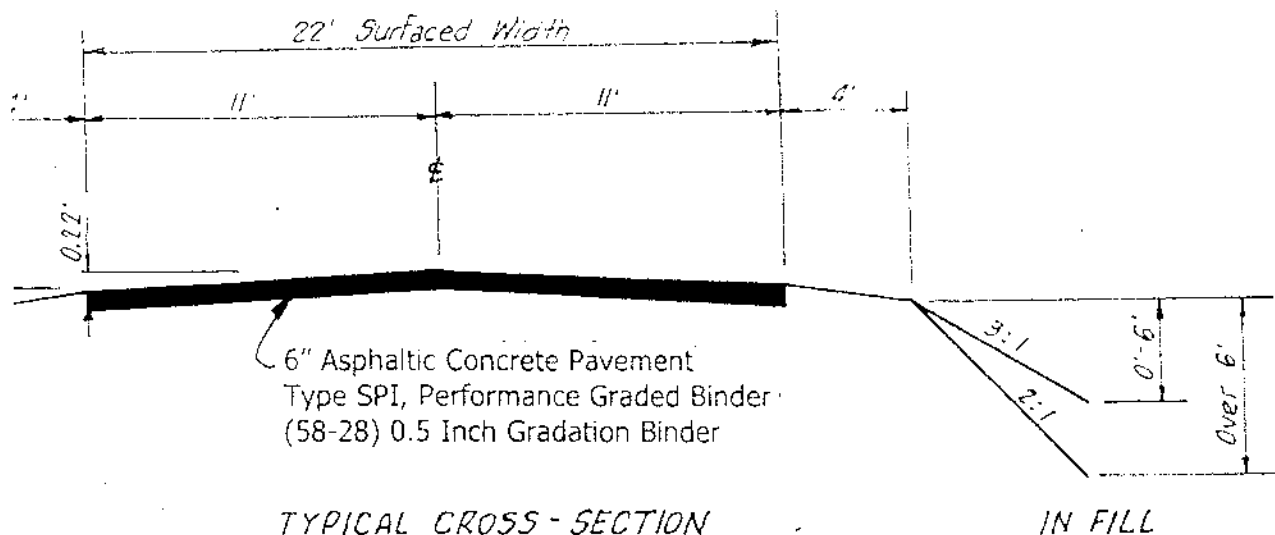
Divided by 130.680 sq. ft. per Dwelling Unit = 19.20 D.U.'s

20% Density Bonus (For Preservation of Environmentally Sensitive
Area in Outlots 'A', 'E', & 'G') 3.84 D.U.'s

TOTAL DWELLING UNITS: 23.04

GENERAL NOTES

1. All lots will be served by a private community sewer system consisting of a collection system and constructed wetland treatment system as approved by the Nebraska Department of Environmental Control and the Lancaster County Health Department. Operation and Maintenance of the wastewater system will be by the Owner of the Homeowners' Association.
2. Water will be provided by individual wells on each lot.
3. The Developer agrees to comply with the Design Standards of the City of Lincoln for erosion and sedimentation control during and after land preparation.
4. All dimensions along curves are chord distances.
5. Interior streets are public and have a right-of-way width of 60 feet. Cul-de-sac right-of-way radii are 60 feet.
6. All paving within the subdivision shall be full depth asphaltic concrete (6" thick) and shall be of the following widths:
Interior Public Streets - 22 feet
Cul-de-sac Radii - 41 feet
7. All interior intersection radii shall be 30 feet. 22' Type III barricades shall be installed at temporary dead ends along with 30' radius temporary turnarounds.
8. Utility easements will be provided as required by Lincoln Electric System, Alltel Corporation, Time Warner Entertainment - Advance/Newhouse, and Peoples Natural Gas.
9. Direct vehicular access to South 70th Street is hereby relinquished except at Countryview Lane.
10. Setbacks shall conform to the following:
Front Yard 50 feet
Side Yard 15 feet
Rear Yard Lesser of 50' or 20% of the depth
11. The following waivers to the Land Subdivision Ordinance are hereby requested:
a. Ornamental Street Lights
b. Sidewalks
c. Street Trees
d. Landscape Screens
~~e. Storm Water Retention~~
12. A 20% dwelling unit bonus has been requested for preserving and protecting the natural resources and open space, including the existing pond, drainage ways, wetlands, tree masses, and proposed constructed wetlands on Outlots A,E and G.
13. All of the 23 building sites will be outside of the 100-Year storm limits.
14. The Developer shall install 1-"Stop" sign, 1-"No Outlet" sign, 1-"25 MPH" sign & 4-street identification sign combinations.
15. Notice to potential buyers - Rural standards for roads are to be maintained and only one access per lot will be permitted.



Southeast Lincoln / Highway 2 Subarea Plan

Executive Summary

This subarea plan is crucial to the future of this area and to the community as a whole. The land use and transportation decisions made here will impact the transportation network throughout the community. The subarea plan includes potentially Lincoln's largest regional commercial center and a major entryway into Lincoln. And most importantly, this subarea is home to thousands of persons who will have to live daily with the impact of these decisions.

The community has an opportunity to provide a distinct impression of its desired future for this subarea. The vision of this subarea plan is one that retains residential character of the subarea, while providing for well planned commercial centers to serve the residents.

There has been significant effort spent over the past several years to study the transportation impact of commercial development in this area. This subarea plan provides for approximately 2.3 million square feet of additional space. That is more than double the amount of space in Gateway Mall and is in addition to the existing 1.4 million SF in the vicinity of Edgewood. Proposals to substantially increase this amount of commercial space may argue that more commercial sites can be done without any traffic impact on transportation network. While the transportation impact will continue to be reviewed, it is well established that as commercial space increases there will be an impact on the road network. One of the most important actions a community can take to address concerns about traffic congestion is to make wise land use decisions in advance of development.

The impact on the transportation network, though, is neither the sole nor most important reason for proposing residential uses along the Highway 2 corridor. Additional commercial development will also impact the existing residential character of this area, the character of the entryway into Lincoln and, potentially, the existing residences.

Currently, the route along Highway 2 in this subarea, with the native landscape and residential character, is one of the most beautiful entrances into Lincoln. The community now has the opportunity to plan in advance what type of character is desired in this corridor and the surrounding subarea in the future. This area will change -- and as a community we can provide the direction.

Major Elements of The Subarea Plan

- Establish a land use pattern that takes into account impacts on the transportation network,
- Provide for a regional commercial center of approximately 1.9 million square feet, in addition to the over 200,000 SF at 70th and Highway 2, and 200,000 SF at 84th and Pine Lake,
- Relocate 84th Street and Pine Lake Road to improve traffic flow and reduce the impact on adjacent residences of the future regional commercial center,
- Identify appropriate transitional uses between commercial and residential uses,
- Provide a transportation network and land uses which could aid in maintaining an attractive entryway corridor into the community,
- Provide for new residential streets connections between neighborhoods, and
- Recommend the potential inclusion of the village of Cheney and SID in the city limits, if issues regarding sewer capacity, and impact on Cheney School District can be addressed.